

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q64175

Kenichiro SHIROYAMA, et al.

Appln. No.: 09/848,225

Group Art Unit: 1611

Confirmation No.: 6389

Examiner: CHANNAVAJJALA, Lakshmi

Filed: May 4, 2001

For: CLEAR AQUEOUS CERAMIDE COMPOSITION

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP ISSUE FEE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant is filing concurrently herewith a Statement Under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required.

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98  
U.S. Appln. No.: 09/848,225

Attorney Docket No.: Q64175

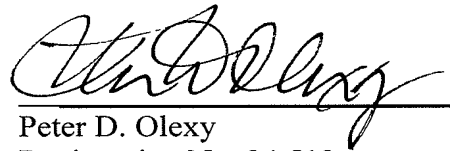
In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application (European Office Action dated November 7, 2008) citing such documents indicating the degree of relevance found by the foreign patent office.

Also, it is noted that EP-0920852, JP-3-008212, U.S. Patent No. 5,294,444 and NPL document "DATABASE WPI Section Ch, Week 198343 AN 1983-798080 XP 002223924", cited in the European Office Action, were previously listed on the PTO/SB/08 forms submitted with the Information Disclosure Statements filed in the U.S. Patent and Trademark Office on May 4, 2001 and January 27, 2003, along with copies of the foreign references.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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WASHINGTON DC SUGHRUE/265550

**65565**

CUSTOMER NUMBER

Date: January 16, 2009

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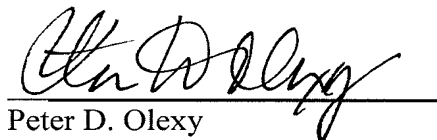
STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,



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Date: January 21, 2009